

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Alexis Rodriguez

Plaintiff

2629 93rd Street, East Elmhurst, NY 11369

V.

• **LVNV Funding**

Defendant (s)

355 S Main Street, Suite 300-D, Greenville, SC 29601-2923

• **Foster & Garbus LLP**

60 Motor Parkway, P.O. Box 9030, Commack, NY 11725-9030

Relevant Background

1. My salary was garnished to pay for a *judgement* of a *credit transaction case* that was made in Albany County City Court with an Alexis Rodriguez from Albany County. Court records reveal that an entry of judgement was made on January 29, 2007. The Plaintiff on the case was LVNV Funding, a credit collection agency with address in South Carolina. The case (Index # CCC06-3390) took place in Albany County City Court, Civil Part (Room 209). Based on the court record, LVNV Funding had filed a complaint in Albany County City Court, Civil Part (room 209) against an Alexis Rodriguez from Albany County. According to *Affidavit of Service* (on file), on October 07, 2006, *Process Server* Steve Avery served *Summons and Complaint* to Alexis Rodriguez, individual residing at 632 S Pearl Street # G, Albany County, NY 12202. A reading on the *Affidavit of Service*, (filed with the court) by Steve Avery, reveals how he described Alexis Rodriguez from Albany County:

Description of Defendant

Sex: Male

Color: Brown

Hair: Black

App. Age 25

App. HT. 5'7"

App. WT: 180

The narrative of *Affidavit of Service* goes further to reveal interaction between the *Process Server* and Alexis Rodriguez in Albany County. Steve Avery says that he asked Alexis Rodriguez whether he was a member of the United States Military, and that he received a negative answer.

2. *Judgement* in Albany County City Court case Index # CCC06-3390 was made with an Alexis Rodriguez from Albany County, as indicated. I am not this individual. I am an individual of similar name from East Elmhurst, Queens, New York City. Although we share a similar name, I am not related to the Alexis Rodriguez from Albany County. I have never lived in Albany County. I did not live at the address where the *Summons and Complaint* were served. I never met anyone named Steve Avery (Process Server in the case). I never had any business relationship with the Plaintiff on this case (LVNV Funding). I learned about this case by requesting information from the City Court Clerk in Albany County City Court, civil part, after receiving *Garnishing Order* and *Income Execution*.
3. *Mail Affidavit*. Besides Steve Avery's *Affidavit of Service*, Attorney's employee Melissa Benjamin filed an *Affidavit of Mailing* in Albany County City Court (Civil Part) in which she indicated that she mailed copies of the *Summons and Complaint* to an Alexis Rodriguez residing at 632 S Pearl Street # G, Albany County, NY 12202. According to the *Affidavit of Mailing*, on or about November 06, 2006, Melissa Benjamin mailed *Summons and Complaint* to the indicated address in Albany County.
4. Default Judgement in case Index CCC06-3390. Default Judgement was requested (and entered) in 2007.
5. *Notice of Entry of Judgment*. *Notice of Entry of Judgment* (case index # CCC06-3390) reveals an individual named Alexis Rodriguez residing at 632 S Pearl Street # G, Albany County, NY 12202.
6. Although information from case file reveals LVNV Funding with address in South Carolina, online search reveals more addresses for LVNV Funding: 55 Beattie Pl Suite 110, Greenville, SC 29601-5115; LVNV Funding, 6801 S Cimarron Road, Suite 424-J, Las Vegas, Nevada 89113. The following address is found in the court record: 15 South Main Street, Ste 600; Greenville, SC 29601.

Statements Of Facts:

7. On or about October 05, 2022, *Income Execution*, from Albany County Supreme Court, was obtained to collect payment for the *judgment* from the case Alexis Rodriguez V. LVNV Funding, index # CCC06-3390. Forster & Garbus LLP appears on the *Income Execution* as the attorney(s) for *Judgement Creditor*.
8. On or about October 14, 2022, *Garnishing Order* was obtained to collect payments for the *judgment* from case Index # CCC06-3390 (from the Albany County City Court, Civil Part). The *garnishing Order* was obtained from the New York City Marshal Ronald Moses, located at 111 John Street, Suite 500, New York, NY 10038(Exhibit). The *Garnishing Order* was sent to Allied Universal Security (AUS) Corporate Payroll office located at 161 Washington Street, Suite 600, Conshohocken, PA 19428, to garnish wages.

9. *Wage Garnishing: Garnishing Order* deducted payments from the weekly paycheck. Garnishing wages started in the Fall 2022. Garnishment continued in the following two years (2023 & 2024). There was wage garnishment from January to December 2023. The last date of wage garnishment was in 2024. The defendant(s) garnished about \$ 4,092.45 dollars, via *online direct deposit*, from the Allied Universal Security Payroll Office.
10. On or about December 27, 2024, Forster & Garbus LLP mailed a statement with Albany County Supreme Court information indicating that the *judgement* (from Case index # CCC06-3390) has been satisfied. The statement was mailed to my address at 2629 93rd Street, East Elmhurst (Queens), NY 11369.

Jurisdiction and Venue

This court has jurisdiction pursuant to *Fair Debt Collection Practice Act* (FDCPA), 15 U.S.C. sec 1692-1692 p; 28 U.S.C. Sec 1331.

Venue. Venue is proper for the case because I am an individual from East Elmhurst, Queens, New York City. The *Garnishing Order* was issued from the New York City Marshal Robert Moses, located at 111 John Street, Suite 500, New York, NY 10038. City official does business in the Manhattan borough of New York City. Plaintiff Alexis Rodriguez works in Manhattan within the confines of zip code 10038. If this court determines that the case belongs to another District Court (after the commencement of this action), a *Transfer Order* may be issued at a later date in accordance with *Federal Rules of Civil Procedure* (FRCP).

Federal Question: 28 U.S.C Sec 1331 is asserted with subject matter jurisdiction per FDCPA.

The District Courts shall have original jurisdiction of all civil actions arising under the constitution, laws, or treaties of the United States (*Federal Rules of Civil Procedure*)

Federal Rules of Civil Procedures (FRCP)

Rule 13 of FRCP: Pursuant to Rule 13 of FRCP, events giving rise to this action come from Albany County City Court case, Civil Part, Index # CCC06-3390. Furthermore, *Income Execution*, from Albany County Supreme Court, and *Garnishing Order*, from New York City Marshal in Manhattan, were obtained to collect payments for a *judgement*. In case Index # CCC06-3390 from Albany County City Court (Civil Part) entry of *judgement* was made on or about January 29, 2007.

Rule 4 of FRCP. Process Service.

Discussion

18. There are two individuals of similar names: One from Albany County and a different One from East Elmhurst, Queens, NYC. I am the individual from East Elmhurst, Queens, NYC. My birthdate name is Alexis Rodriguez Garcia. I used this name until about 2004. Garcia is my mother's last name; Rodriguez, my father's last name. I have three *Social Security Statements* (2000-2003) along with the addresses where I lived in East Elmhurst, Queens (NYC) at the time. Those three *Social Security Statements* reveal my birth date name: Alexis Rodriguez Garcia. In theory, it appears that Plaintiff, in case Index CCC06-3390 (Albany County City Court), did not have my personal data years ago, since my birthdate name, age, and address were not linked to the case at the time. Because I did not know about the existence of this case in Albany County City Court. Because I was never served *Summons and Complaint* where I lived in East Elmhurst, Queens, NYC. Because I never received *Notice of Entry of Judgement* (case Index CCC06-3390), since court records indicate that that case was made with an Alexis Rodriguez from Albany County. The Albany County City Court case (index# CCC06-3390) was made in Albany County with an individual from Albany. I am not (as indicated) the individual from Albany. I am not the individual that *Process Server* Steve Avery describes in the *Affidavit of Service* that is on file in the Albany County City Court (Civil Part, room 209) from case index # CCC06-3390. At the time that *Summons and Complaint* were served in Albany County (to the other individual) I was 36 years and 4 months old. *Process Server* Steve Avery's *Affidavit of Service* describes a younger individual of about 25 years old. At the time that the Albany City Court case was happening with an individual of similar name from Albany County, I lived in East Elmhurst, Queens, in New York City. Many years later (after 2006), I theorize that *privacy data breaches* from major businesses enabled defendant(s) to find *personal data* (based on similarity of names) that could link me to a case from Albany County City Court, Civil Part. Security software and credit services have revealed to me that my personal data has appeared in the privacy breaches of major businesses.

19. According to *Affidavit of Service* on file, in case Index # CCC06-3390, from Albany County City Court (Civil Part), on October 07, 2006, at 11:10 AM, *Summons and Complaint* were served to an Alexis Rodriguez from Albany County (residing at 632 S Pearl Street # G, Albany County, NY 12202). The case took place in Albany County City Court with a younger Alexis Rodriguez from Albany. Based on information from the *Process Server* and attorney(s), the case resulted in *default judgment* against the Alexis Rodriguez from Albany County. *Notice of Entry of Judgement* (case index # CCC06-3390) reveals an individual named Alexis Rodriguez residing in Albany County.

20. *Income Execution* and *Garnishing Order* were obtained in bad faith to collect payments from Plaintiff Alexis Rodriguez (formerly Alexis Rodriguez Garcia) from East Elmhurst, Queens, New York City. Defendant(s) deceived Albany County Supreme Court and New York

City Marshal to collect payments from AUS Payroll Office in Conshohocken, PA. Defendant(s) *deceptive practice* is in violation of fair Debt Collection Practice Act.

15 U.S.C Sec 1692e: False or Misleading Representations

21. In violation of *Fair Debt Collection Practice Act*, *Income Execution* and *Garnishing Order* were used to garnish my salary and to collect payments for a *judgment* (from case index # CCC06-3390) from a *credit transaction case* from Albany County City Court, Civil Part.

22. In violation of **15 U.S.C. Sec 1692e**, *Income Execution* (from Albany County Supreme Court) and *Garnishing Order* (from New York City Marshal) were obtained to collect payments from a different Alexis Rodriguez from East Elmhurst, Queens, in New York City. In other words, I was forced to pay for a *judgement* that was made in Albany County City Court with another (and younger) Alexis Rodriguez from Albany County.

23. This is the case here: in *Credit Transaction case* (Index # CCC06-3390) from Albany County City Court, *judgement* was made with an Alexis Rodriguez from Albany County. A different Alexis Rodriguez (formerly Alexis Rodriguez Garcia, man of similar name) from East Elmhurst, Queens, New York City (NYC), was ordered to pay for the *judgement*.

24. In violation of FDCPA, with case Index # CCC06-3390, from Albany County City Court (Civil Part), Defendant (s) *misrepresented judgement* and *falsely represented* the legal status of the debt to collect payments for the debt.

25. With respect to Alexis Rodriguez from East Elmhurst (Queens) New York City, when reflecting on case Index # CCC06-3390 (Albany County City Court, Civil Part), there is *No Proper Service, No Personal Jurisdiction, and No Proper Venue*. In case index # CCC06-3390, the Alexis Rodriguez from East Elmhurst, Queens, New York City, was never served *Summons and complaint*. This is in violation of *Rule 4* of FRCP. I am not, as indicated, the Alexis Rodriguez that is portrayed in the *Affidavit of Service* in Case index CCC06-3390, Albany County City Court. I have never lived in Albany County. LVNV Funding (along with Foster & Garbus) lacks: a) *proper service*, b) *proper venue*, and c) *personal jurisdiction*. Therefore, Albany County City Court has *no personal jurisdiction* over the person of Alexis Rodriguez (formerly Alexis Rodriguez Garcia), individual of similar name, from East Elmhurst, Queens, New York City. Because the case index # CCC06-3390 was made in Albany County City Court with an individual from Albany County there is *not Proper Service* for the Alexis Rodriguez from East Elmhurst, Queens, NYC.

Request For Relief

1. Reverse *Judgement* in Albany County City Court (Civil Part) Case index CCC06-3390
2. Order return of garnished wages.
3. Impose civil penalties upon defendant(s) (including monetary compensation to Plaintiff Alexis Rodriguez).
4. Impose sanctions upon defendant(s).

Sworn to before me this 9 day

of April, 20 25.



Notary Public

LUIS J. SAGBAY
Notary Public, State of New York
No. 01SA0025379
Qualified in Kings County
Commission Expires 05/30/28


Alexis Rodriguez

Phone: 646-469-9719

E-mail: go4alexis@icloud.com

2629 93rd Street, East Elmhurst (Queens)

New York City 11369